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Amnesty Internayional

INDONESIA & **EAST TIMOR**

Fact and Fiction Implementing the Recommendations of the UN Commission on Human Rights

Introduction

In March 1993, the United Nations Commission on Human Rights (UNCHR) expressed deep concern at reports of continuing human rights violations in East Timor and offered several concrete recommendations for improvement. Most of the recommendations had been enumerated in a consensus statement by the Commission in the immediate aftermath of the Santa Cruz massacre of 12 November 1991, and in a series of later resolutions by United Nations bodies. Specifically, the Commission urged the Government of Indonesia to:

- Clarify the fate and the number of those killed and "disappeared" after the Santa Cruz massacre.

- Bring promptly to justice all members of the security forces responsible for the massacre and related human rights violations.

- Ensure that all civilian detainees arrested on that occasion be treated humanely, that any trials meet international standards of fairness, and that those not involved in violent activities be immediately released.

- Implement the recommendations contained in the January 1992 report of the UN Special Rapporteur on torture, prepared following his visit to Indonesia and East Timor in late 1991, and report back to the Commission on the steps taken.

- Facilitate access to East Timor by humanitarian and human rights organizations.

- Invite four of the UNCHR's human rights monitoring mechanisms to visit East Timor, and welcome a second visit by the UN Secretary-General's Personal Envoy, Mr Amos Wako.

This report briefly reviews the Indonesian Government's record in implementing each of these recommendations. It also assesses the impact of government actions relating to the human rights situation on the ground both in East Timor and in Indonesia itself. It concludes that while the government has taken a number of welcome human rights initiatives since late 1991, it has failed to implement, either in substance or in spirit, the most important of the recommendations made by the UNCHR. The measures taken so far appear to have been principally aimed at improving Indonesia's human rights image internationally rather than at squarely addressing the root causes of human rights violations. Consequently there has been no significant improvement in the human rights situation on the ground and, unless concrete measures are taken, no such improvement can be expected in the near future.

This document also evaluates the 1993 UNCHR resolution itself, and outlines a program for action by the Commission and by member states of the United Nations. It concludes that, while most of the UNCHR's recommendations refer specifically to East Timor, the problems they identify and the proposals they offer are equally relevant to Indonesia itself. By viewing the human rights situation in East Timor in isolation - and in particular by treating the Santa Cruz massacre as an isolated incident - UN member states have overlooked the problem of systematic and institutionalized human rights abuse by Indonesian government forces throughout the archipelago. By turning a blind eye to systematic violations in Indonesia and East Timor over nearly three decades they have contributed to the problem. Accordingly, this report urges the UNCHR to reiterate the recommendations enumerated in last year's resolution, and also to broaden the scope of its concern to encompass Indonesia as well as East Timor. (...).

Conclusions and Recommendations

Indonesia became a member of the UN Commission on Human Rights in 1991. As such, it bears a special responsibility to implement the recommendations enumerated in that body's statements and resolutions. Yet, with some minor exceptions, it has not done so. Indeed, it has indicated that it does not feel bound to abide by the provisions of that resolution. If the Government of Indonesia trusts the role of UN bodies - and particularly the UNCHR of which it is a member - to discharge its mandate in promoting and protecting human rights, then it should comply and cooperate fully with the suggestions and recommendations of that

difficulties, in the context of the EC, in building a European community; the global economic crisis which is particularly affecting Western Europe; the costs of German reunification; the national interests of each EC member country, and Portugal's economic dependence upon the Community's richer members, all combine to make Portugal a weak administrative power in terms of gaining strong support from its partners, to pressure Indonesia into agreeing to the Portuguese proposal.

Indonesia, exploiting this situation to the full, has been acting in bad faith - trying to dissuade EC countries from following rules on economic cooperation or development policy adopted by the EC. The EC establishes a link between development policy and human rights policy, and Indonesia has tried to divide the "twelve" on this, and make them renounce the principles and rules in that area.

The agreements signed between Bonn and Jakarta on technological, economic and commercial cooperation, the sale of warships to Indonesia, and the praise offered by German Prime Minister Kohl to the Indonesian Government on its improvement of human rights, are all signs which confirm that economic interests are outweighing values of justice, law and principles, and only go to prove the effectiveness of Jakarta's strategy with regards "the twelve". (...).

Contrary to what has been reported abroad, the invader has been increasing the number of its troops in East Timor, introducing more heavy weaponry, especially mortars, currently unleashing its latest offensive against the guerrilla all over the territory, supported by intense mortar shelling of the guerrilla areas, with the aim of totally and finally exterminating the guerrillas.

The enemy is intensifying its large-scale campaign to intimidate and "win over the hearts" of the population, promising to free the guerrilla leaders, especially our colleague Ma'Huno, - a promise aimed to reach the guerrillas psychologically. (...).

An internationally acceptable solution must, necessarily be based upon a settlement which benefits all the parties involved.

It is true that the negotiations without pre-conditions offer plenty of room for maneuver to all interested parties. It is also true, however, that the negotiations without pre-conditions do not encourage Indonesia to agree to talk to the Resistance.

If the negotiations without pre-conditions are to give everyone a chance to propose possible solutions - which we fully support - we believe that now is the time to be more realistic. We think we ought to be putting forward concrete proposals which would lead Indonesia to accept the Resistance at the same negotiating table. (...).

No one more than the Timorese themselves wishes to end, as quickly as possible, the torment of our people. For this reason, we have constantly shown our readiness to negotiate and to make concessions. However, if the Indonesian Government continues its intransigent position, rejecting talks with the Resistance, we are left with no other option but to continue our fight with even greater political determination because that is what our people wants. We are sure that, by continuing to resist, we will create the conditions necessary for greater pressure to be put on Indonesia to be more flexible and accept talks with the Timorese.

Throughout these past 18 years, we have always known how to be patient and to wait, without ever ceasing to fight with ever increasing determination. We believe that, one day, the long waited peace will come to East Timor.

We are living in a world of great changes. Much has changed and will continue to change. The world cannot go on without change - humanity's history has demonstrated that. And here lies our people's great hope! (...).

Respectfully yours,

Nino Konis Santana
Head of the Executive Council
The mountains of East Timor, 14 August 1993